

Appl. No. 09/892,922
Response to August 22, 2003 Non-Final Office Action

REMARKS/ARGUMENTS

This communication is responsive to the Office Action dated August 22, 2003, for which a three-month shortened statutory period for response is set for November 22, 2003.

Claims 1-34 are pending. No claims have been amended. No claims have been cancelled. No claims have been added. In view of the following remarks/arguments, withdrawal of the rejections to the pending claims is respectfully requested.

Claim Rejections Under 35 USC §102(e)

Claims 1-34 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,356,903 to Baxter et al ("Baxter"). These rejections are traversed.

The Baxter Reference

Baxter describes a content management system for dynamically creating a Web page according to pre-specified organizational and formatting components of requested content. These Web pages are then provided to the requestor (see, Baxter, col. 4, lines 12-13). In particular, Baxter at col. 2, lines 1-11 describes that Web page content, organization, and format are separately stored and maintained "for subsequent real-time assembly" into a Web page. (Baxter, col. 4, lines 25-27). Baxter, col. 4, lines 30-31, describes that "information of a Web page is referred to as content (including text, graphics, programs, etc....)." "Content creators include: authors, programmers, editors, and artists. Content designers

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

include: graphic artists, web designers and programmers.” (Baxter, col. 4, lines 56-58). “[T]he organization of the content is stored in organizational components (for example, an outline) and the format of the content is stored in format components (for example templates and styles).” (Baxter, col. 4, lines 33-36).

Baxter, at col. 5, lines 56-58, describes that [t]he content and format stored in the repository 60 are assembled by an assembly procedure 70 prior to being served to end-users as web pages.” Baxter describes at col. 6, lines 63-65, that “[t]he data structure shown in FIG. 4 ties together documents, outlines, styles and templates and styles for use by the assembly procedure 70.” Baxter at col. 7, lines 27-32, describes that “[a] document is a publication, such as a homepage, newsletter, interview transcript, product documentation, proposals, advertising, annual reports, etc... A document, when combined with one or more borders [‘a border is comprised of an outline and a template’—col. 8, lines 26-27], makes up one or more Web pages.” At col. 9, lines 28-30, Baxter describes that a “template describes the properties which apply to formatting an outline, such as margin, type face, type color, etc....”

“The content items referenced within an outline are the actual text, graphics, sounds, animation, etc. that are published on the web site.” (Baxter, col. 13, lines 7-9). “[P]ages for display on the site are created in real time”. (Baxter, col. 17, line 43). More specifically, Baxter at col. 18, lines 9-13, describes that “[a]fter all the parts of the personalized content, documents and borders are retrieved [from a repository], the content is assembled into a whole document based on the hierarchy in the relevant outlines and the dictates of the templates and styles.” Accordingly, Baxter describes a content management system for

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

dynamically creating a Web page according to pre-specified organizational and formatting components of requested content.

The Claimed Subject Matter

It is a fundamental aspect of patent law that to anticipate a claim, the reference must teach each and every element of the claim. (MPEP §2131). Every element, as set forth in the claim, must be found in a single prior art reference in as complete detail as is contained in the claim. For the following reasons, Baxter does not describe each and every element of the pending claims.

For instance, claim 1 recites "receiving a request from the client for one or more requested content items", "identifying a data structure that refers to one or more further content items", "modifying the data structure to reference the requested content items", and "providing the content items referenced by the modified data structure." In addressing these recited features, the Office action ("ACTION") points to Baxter's description at col. 17, lines 11-13 to conclude that Baxter anticipates claim 1. This conclusion is unsupportable.

Baxter at col. 17, lines 8-13 merely describe that "when a user requests information contained in the content management system [, Baxter] interprets the request and retrieves personalization information for assembly. The personalization information can be retrieved based upon information from the user contained, for example, in cookies, passwords, or other types of user identification." Baxter later explicitly describes, at col. 18, lines 12-18, that such personalization information is used to customize a Web page, not modify the data structure used by Baxter to tie pre-determined content, format and organization of the Web page together. Specifically, Baxter describes that "[a]fter all the parts of

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

the personalized content, documents and borders are retrieved, the process goes to step S53 and the content is assembled into a whole document [‘publication, such as a homepage’] based on the hierarchy in the relevant outlines and the dictates of the templates and styles. The *document is modified based upon the personalization information* retrieved in step S33. The assembled document is then returned to the requesting system, such as the web server 12, in step S54. The requesting system in turn displays the assembled content to the user in step S55.”

At col. 2, lines 1-11, col. 4, lines 25-27, and col. 6, lines 63-65, Baxter describes “[t]he data structure shown in FIG. 4 ties together documents, outlines, styles and templates and styles for use by the assembly procedure 70” for subsequent assembly into a Web page—i.e., based on the “hierarchy in the relevant outlines and the dictates of the templates and styles” identified by the data structure. Although Baxter at col. 6, lines 12-18 describes that the “data structure will have to be modified for other types of information delivery services”, this modification is performed offline by Baxter to change resulting web page organization and format to meet the requirements of the delivery service being used—not to incorporate content of a request from an end-user. (Baxter does not describe any delivery service other than that associated with a Web server). Thus, Baxter’s system merely references the data structure in real time to tie together pre-determined Web page content, organization, and format.

Accordingly, Baxter’s system may never “modifying the data structure to reference the requested content items” as claimed, wherein the “request from the client” specifies the “content items”. This is a patentably distinguishable difference from the claimed subject matter, as the system of Baxter may never “receiving a request from the client for one or more requested content items”,

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

“identifying a data structure that refers to one or more further content items”, and “modifying the data structure to reference the requested content items”, as claim 1 recites.

For these reasons, Baxter does not anticipate claim 1. Accordingly, the 35 USC §102(e) rejection of claim 1 is improper and should be withdrawn.

Claims 2-9 depend from claim 1 and are not anticipated by Baxter by virtue of this dependency. For this reason alone, the 35 USC §102(e) rejection of claims 2-9 should be withdrawn. Moreover, claims 2-9 include additional subject matter that is not described by Baxter.

For instance, claim 2 recites “wherein identifying the data structure, the data structure comprises a playlist”, “wherein receiving the request, the one or more requested content items comprises streaming media content”, and “wherein providing the content items further comprises streaming the content items referred to by the playlist.” Nowhere does Baxter describe “a playlist”, “streaming media content”, or “streaming the content items referred to by the playlist.”

“When a rejection in an application is based on facts within the personal knowledge of an employee of the office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant and other persons.” 37 CFR §1.104(d)(2).

In addressing claim 2, the ACTION asserts on page 3, section 2, that the “Examiner interprets the playlist as content”. Since Baxter is completely silent with respect to the use of any playlist, the Office is seemingly relying on personal knowledge of the Examiner to make this modification to Baxter. If this rejection

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

is maintained on a similar basis in a subsequent action, the Examiner is respectfully requested to supply such an affidavit to support this modification to Baxter.

Additionally, in addressing claim 2, the ACTION asserts that Baxter at col. 5, lines 9-12, describes "wherein receiving the request, the one or more requested content items comprises streaming media content", as claim 2 recites. Applicant disagrees.

Baxter at col. 5, lines 9-12 describes "FIG. 1 shows an optical drive 52, storing video, movies, and audio, as well as traditional data storage unit 50 being directly connected to the content management repository 22." Streaming media content implies more than just video, movies, and audio. For instance, streaming media content requires special data formats to be streamed to an end user. The specification at page 1, lines 13-22, clearly indicates that streaming media content is distinct from other content in the way that it is stored, streamed, and presented by tools, servers, and clients. Nowhere does the video, movies, or audio of Baxter describe the claimed "wherein receiving the request, the one or more requested content items comprises streaming media content."

For this additional reason, claim 2 is not anticipated by Baxter. Accordingly, for this additional reason, the 35 USC §102(e) rejection of claim 2 is improper and should be withdrawn.

Furthermore, in addressing claim 2, the ACTION asserts that Baxter at col. 5, lines 31-36, describes "wherein providing the content items further comprises streaming the content items referred to by the playlist", as claim 2 recites. Applicant disagrees. For the reasons already discussed, Baxter does not describe "a playlist" or "streaming media content", as Applicant claims. Moreover, Baxter

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

at col. 5, lines 31-36 merely describes that “[c]reators can retrieve and modify their content through the back end and not be concerned with presentation or serving of the content. Access to the content can be controlled by the content management system server or any other appropriate mechanism.” This does not describe “wherein providing the content items further comprises streaming the content items referred to by the playlist”, as Applicant claims. Thus, claim 2 is not anticipated by Baxter.

Accordingly, for this additional reason, the 35 USC §102(e) rejection of claim 2 is improper and should be withdrawn.

Claim 3 also recites features that are not anticipated by Baxter. For instance, claim 3 recites “wherein identifying the data structure, the data structure comprises a first Web page specification, and the requested content comprises a second Web page specification.” In addressing these features, the ACTION points to FIG. 4A (T1) and at col. 6, lines 12-18 of Baxter to assert that Baxter anticipates these claimed features. Applicant respectfully disagrees.

FIG. 4A (T1) of Baxter explicitly describes a data structure with a site ID, a site name, a site description, a trigger ID, and a last review date. Nowhere does this teaching describe “wherein identifying the data structure, the data structure comprises a first Web page specification, and the requested content comprises a second Web page specification.” Moreover, col. 6, lines 12-18, of Baxter merely indicate: “FIG. 4 is an example of a data structure that may be used for a web based content management system in accordance with the preferred embodiment of the present invention. This data structure will have to be modified for other types of information delivery services.” As already discussed, Baxter describes at col. 6, lines 63-65, that “[t]he data structure shown in FIG. 4 ties together

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

documents, outlines, styles and templates and styles for use by the assembly procedure 70" to generate a document for a web page. Since Baxter uses the data structure to specify pre-determined content, organization, and format to create a Web page, a system of Baxter may never have a "data structure comprises a first Web page specification, and the requested content comprises a second Web page specification", "the requested content" being comprised in "a request from the client", as Applicant claims.

For this additional reason, claim 3 is not anticipated by Baxter and the 35 USC §102(e) rejection of claim 3 should be withdrawn.

Claim 4 recites "wherein modifying the data structure further comprises adding a plurality of references to the requested content item in the data structure." In addressing these features, the ACTION points to col. 6, lines 21-30 of Baxter to conclude that these features are anticipated. This conclusion is unsupportable. Col. 6, lines 21-30 of Baxter merely recite:

"Each document is structured based on an outline. Sections are elements within each outline referencing content (or other sections) and may be reused within outlines. Each outline may also have associated triggers that will initiate a review of the outline. Each outline will have a template associated therewith to provide a format for content on the outline. Each section may further have a style associated therewith for additional specific formatting options"

As already discussed, a document is created from a pre-existing data structure that is not modified based on any request from a client. At most, Baxter's data structure is modified offline by an administrative entity as a function of the delivery service being utilized. Thus, a system of Baxter may never "wherein modifying the data structure further comprises adding a plurality of references to the requested content item in the data structure", as claim 4 recites.

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

For this additional reason, claim 4 is not anticipated by Baxter and the 35 USC §102(e) rejection of claim 4 should be withdrawn.

Claim 5 recites "wherein modifying the data structure further comprises adding a plural number of references to the requested content item in the data structure, the number being indicated by the request." In addressing these claimed features, the ACTION points to col. 7, lines 57-59 of Baxter to conclude that these features are anticipated. This conclusion is unsupportable. Col. 7, lines 57-59 of Baxter merely recite: "Document ID (PK) Unique identifier for each document. Border ID (PK)" and a "Unique identifier for each border." This description is completely silent with respect to the features of claim 5. Moreover, as already discussed, the data structure of Baxter is separate from any content referenced by the data structure. See, Baxter at col. 2, lines 1-11, wherein Baxter describes that Web page content, organization, and format are separately stored and maintained "for subsequent real-time assembly" into a Web page. (Baxter, col. 4, lines 25-27). For at least these reasons, a system of Baxter may never "wherein modifying the data structure further comprises adding a plural number of references to the requested content item in the data structure, the number being indicated by the request", as claim 5 recites.

For this additional reason, claim 5 is not anticipated by Baxter. The 35 USC §102(e) rejection of claim 5 is improper and should be withdrawn.

Claim 7 recites "wherein modifying the data structure, the data structure further comprises a placeholder that identifies a particular point in a sequence where the reference to the requested content is placed." In addressing these claimed features, the ACTION points to col. 18, lines 2-8 of Baxter to conclude

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

that these features are anticipated. This conclusion is unsupportable. Col. 18, lines 2-8 of Baxter merely recite:

"[n]ext, in step S40 related Style IDs are retrieved and subsequently in step S 41 the referenced styles are retrieved. In step S42 all content IDs are identified from the sections and in step S43 the related content is retrieved. As set forth above the process for retrieving the parts of the borders in steps S44 through S52 is substantially similar."

This teaching is completely silent with respect to any description of "wherein modifying the data structure, the data structure further comprises a placeholder that identifies a particular point in a sequence where the reference to the requested content is placed", as claim 7 recites. For this additional reason, claim 7 is not anticipated by Baxter.

Accordingly, for this additional reason, the 35 USC §102(e) rejection of claim 7 should be withdrawn.

Claim 8 recites "wherein identifying the data structure further comprises creating the data structure by modifying a base data structure." Nowhere does Baxter describe this feature.

In addressing claim 8, the ACTION points to col. 12, lines 16-28 of Baxter to conclude that these features are anticipated. This conclusion is unsupportable. Col. 12, lines 16-28 of Baxter merely recite:

"[a] piece of content may be redefined as its uses evolve. For example, the first time a newsletter outline is analyzed, a three-paragraph portion of the body may be defined as a single piece of content. This may later be divided into three pieces of content if each paragraph can be re-used for separate purposes."

"Content may have triggers associated therewith. For example, an hourly trigger that updates a customer's account balance throughout the business day would be automatically driven through an automated source. A monthly trigger could be defined that begins the process of updating the newsletter."

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

For the reasons already discussed, content is merely referenced by the data structure of Baxter for creating a Web page. Redefining content that will be used to generate a Web page does not describe "wherein identifying the data structure further comprises creating the data structure by modifying a base data structure", as claim 8 recites.

For this additional reason, claim 8 is not anticipated by Baxter and the 35 USC §102(e) rejection of claim 8 should be withdrawn.

If rejection of claim 8 is maintained on the same basis in a subsequent ACTION, it is respectfully requested for the Office to point out exactly where Baxter describes, "creating the data structure by modifying a base data structure".

Claim 9 recites "wherein identifying the data structure further comprises creating the data structure by copying a base data structure." Nowhere does Baxter describe this feature.

In addressing claim 8, the ACTION points to col. 6, lines 46-53 of Baxter to conclude that these features are anticipated. This conclusion is unsupportable. Col. 6, lines 46-53 of Baxter describe:

"[a]s outlines are separate from content and format, one outline may be re-used by many documents. Thus, when adding new pages, if several documents exist within the content management system, an outline for a new document may already exist, simplifying the creation process. However, for entirely new documents, an outline and template will need to be created."

This teaching clearly does not describe "wherein identifying the data structure further comprises creating the data structure by copying a base data structure", as claim 9 recites.

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

For this additional reason, claim 9 is not anticipated by Baxter and the 35 USC §102(e) rejection of claim 8 should be withdrawn.

If rejection of claim 9 is maintained on the same basis in a subsequent ACTION, it is respectfully requested for the Office to point out exactly where Baxter describes, "creating the data structure by copying a base data structure".

The ACTION rejects claims 10-30 on the same basis used to reject claims 1-10. These rejections are traversed at least for the same reasons discussed above with respect to claims 1-10; reasons that patentably distinguish claims 1-10 from Baxter.

Accordingly, the 35 USC §102(e) rejections of claims 10-30 are improper and should be withdrawn.

Claim 31 depends from claim 24 and is allowable over Baxter by virtue of this dependency. Accordingly, the 35 USC §102(e) rejections of claim 31 should be withdrawn.

Claim 32 recites "one or more first data fields, each data field containing data therein representing a respective reference to a set of content items", and "at least one second data field containing data therein representing a respective placeholder to identify a particular point in a sequence of the one or more first data fields where a reference to a set of client requested content is to be inserted." In addressing claim 32, the ACTION points to Fig. 4A (T1 and T2), tables 1 and 2, and col. 7 of Baxter to conclude that these features are anticipated. This conclusion is unsupportable.

FIG. 4A, block T1, clearly describes a site ID, a site name, a site description, a trigger ID, and a last review date. And, FIG. 4A, block T2, plainly describes a document ID, an outline ID, a document name, a description, a site ID,

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action.

a trigger ID, a creator ID, an owner ID, an original publication date, a creation date, and a last review date. These items of Baxter are respectively reiterated in col. 7 of Baxter in tables 1 and 2. Nowhere do these teachings describe "at least one second data field containing data therein representing a respective placeholder to identify a particular point in a sequence of the one or more first data fields where a reference to a set of client requested content is to be inserted", as claim 32 recites.

Accordingly, the 35 USC §102(e) rejections of claim 32 should be withdrawn.

The portions of Baxter to which the ACTION points to reject claim 32 are completely silent with respect to any "respective placeholder to identify a particular point in a sequence", as Applicant claims. Accordingly, if the rejection of claim 32 is maintained on the same basis in a subsequent ACTION, it is respectfully requested for the Office to point out exactly where Baxter describes, "at least one second data field containing data therein representing a respective placeholder to identify a particular point in a sequence of the one or more first data fields where a reference to a set of client requested content is to be inserted", as claim 32 recites.

Claims 33-34 depend from claim 32 and are allowable over Baxter by virtue of this dependency. For this reason alone, the 35 USC §102(e) rejection of claims 33 and 34 is improper and should be withdrawn. Moreover, claims 33-34 include additional subject matter that is not anticipated by Baxter.

For instance, claim 33 recites "wherein the data structure comprises a playlist", and "wherein the content items and the client requested content are streaming media content items that are respectively identified with a Universal

Appl. No. 09/892,922

Response to August 22, 2003 Non-Final Office Action

Resource Locator." For the reasons already discussed, Baxtor does not describe these features. For this additional reason, the 35 USC §102(e) rejection of claim 33 should be withdrawn.

Additionally, claim 34 recites "wherein the data structure comprises a Web page", "wherein the content items are a first set of Web page specifications", and "wherein the client requested content are one or more second Web page specifications." For the reasons already discussed, the data structure of Baxtor merely references items to generate a Web page, not "wherein the data structure comprises a Web page". For this reason, and for the reasons already described with respect to the other claimed features, the 35 USC §102(e) rejection of claim 34 should be withdrawn.

Conclusion

Claims 1-34 are in condition for allowance and action to that end is respectfully requested. Should any issue remain that prevents allowance of the application, the Office is encouraged to contact the undersigned prior or issuance of a subsequent Office Action.

Respectfully Submitted,

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